

FILED
ASHEVILLE, N. C.

AUG - 2 2005

U.S. DISTRICT COURT
W. DIST. OF N. C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:05me208

IN RE: REAL PROPERTY LOCATED AT)
656 HIDDEN FOREST DRIVE)
(FORMERLY DESIGNATED AS 150)
HIDDEN FOREST DRIVE), MARION,)
MCDOWELL COUNTY, NORTH)
CAROLINA, AS MORE PARTICULARLY)
DESCRIBED IN A DEED RECORDED AT)
BOOK 414, PAGE 669, IN THE)
MCDOWELL COUNTY, NORTH)
CAROLINA, PUBLIC REGISTRY)

**ORDER
AND LIS PENDENS**

FILE IN GRANTOR INDEX UNDER:

KENNETH MILLS
a/k/a JAMES KENNETH MILLS

WHEREAS, the United States of America, by and through Detective Shannon Smith, of Office of the Sheriff of McDowell County, North Carolina, has presented an affidavit to the Court alleging that the above-captioned property was involved in or facilitated controlled substances trafficking and/or money laundering and/or was the proceeds of such criminal activity, in violation of 21 U.S.C. §801 *et seq.* and/or 18 U.S.C. §§1956-1957; and,

WHEREAS, the Court, having reviewed the affidavit, finds that there is probable cause to believe that the property was involved in or facilitated controlled substances trafficking and/or money laundering and/or was the proceeds of such criminal activity, in violation of 21 U.S.C. §801 *et seq.* and/or 18 U.S.C. §§1956-1957; and,

WHEREAS, upon this finding of probable cause, the property may be subject to criminal or civil forfeiture to the United States pursuant to 18 U.S.C. §§ 981 and 982, and/or 21 U.S.C.

§§ 881 and 853, and the government is entitled to record a lis pendens to give public notice of the government's forfeiture interest and potential civil and/or criminal forfeiture claim against the property;

THEREFORE, the United States is directed forthwith to file this Order and Lis Pendens with the appropriate state or local public depository to prevent the flight or transfer of the property so that the United States may initiate action to adjudicate forfeiture of the property; and,

ALL WHO READ THIS ORDER AND LIS PENDENS TAKE NOTICE that the property is subject to forfeiture to the United States in a present or future criminal or civil *in rem* action before this Court, and any person who has a question as to this action should contact:

United States Attorney
for the Western District of North Carolina
Attn: Thomas R. Ascik, Assistant United States Attorney
100 Otis Street
Asheville, North Carolina
(828) 271-4661

This the 2nd day of August, 2000.


UNITED STATES MAGISTRATE JUDGE

TO THE RECORDER OF THIS INSTRUMENT: MAIL ANY AND ALL RECORDED COPIES TO THE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA AT THE ABOVE ADDRESS.